

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In re:

**Bryan Steven Autry and  
Crystal Gale Autry,**

Bankruptcy Case No.: 09-80303

Soc. Sec. Nos. xxx-xx-8823 & xxx-xx-3165  
Mailing Address: 212 Hemlock Drive, , Durham,  
NC 27705-

Debtors.

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**Bryan Steven Autry and  
Crystal Gale Autry,**

A.P. No.: \_\_10-9003

Plaintiffs,

**National City Mortgage/National City Bank,**  
Defendant.

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**MOTION FOR DISMISSAL OF COMPLAINT OBJECTING TO CLAIM  
AND TO DETERMINE VALIDITY OF LIEN**

The Plaintiffs hereby respectfully move the Court, prior to the filing of any responsive pleading, for an Order dismissing this action as all documents in question have now been filed

Dated: April 20, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Edward Boltz

Edward Boltz

Attorney for the Plaintiffs

North Carolina State Bar No.: 23003

6616-203 Six Forks Road

Raleigh, N.C. 27615

(919) 847-9750

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A.P. No.: 10-9003

Plaintiffs,

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Defendant.

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**CERTIFICATE OF SERVICE AFFIDAVIT OF SERVICE**

I, Renee Nolte, certify, under penalty of perjury, that I am, and at all times during this service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made, and that service of the **Summons** issued in this adversary proceeding, together with a copy of the **MOTION FOR DISMISSAL OF COMPLAINT OBJECTING TO CLAIM AND TO DETERMINE VALIDITY OF LIEN**, was made pursuant to Bankruptcy Rule 7004(b) on August 4, 2009, **electronically, or when unavailable by regular, first class United States mail**, postage fully pre-paid, addressed to:

Richard M. Hutson, II  
Chapter 13 Trustee  
Post Office Box 3613  
Durham, N C 27702

Michael D. West  
Bankruptcy Administrator  
Post Office Box 1828  
Greensboro, NC 27402

National City Mortgage/National City Bank  
**Attn: Managing Agent**  
Bankruptcy Department  
3232 Newmark Drive  
Miamisburg, OH 45342-

Hutchens, Senter & Britton, P.A.  
4317 Ramsey Street  
Fayetteville, NC 28311

and also by **certified mail, return receipt requested**, addressed to:

National City Mortgage/National City Bank  
**Attn: Managing Agent**  
Bankruptcy Department  
3232 Newmark Drive  
Miamisburg, OH 45342-

Under penalty of perjury, I declare that the foregoing is true and correct.